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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,247	02/24/2004	Timothy D. Meadows	BEMI / 04	8899
7590	08/26/2005		EXAMINER	
BRUCE MEADOWS 2800 WESTONRIDGE DRIVE CINCINNATI, OH 45239			FULTON, CHRISTOPHER W	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/785,247	MEADOWS, TIMOTHY D.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher W. Fulton	2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/10/04</u> .   | 6) <input type="checkbox"/> Other: ____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Rager.

The device as claimed is disclosed by Rager with a mounting bracket 84 for mounting a bow sight, an adjustment rod 82 extending through the mounting bracket with a dovetail receptacle 80 at one end thereof, means for fixing 88 the position of the adjustment rod, a main body 12 having a circular passageway therethrough with a dovetail projection 80 slidable in the dovetail receptacle of the adjustment rod, a plurality of pin tracks extending downwardly (direction is relative to the orientation of the sight body) into the circular passageway, means for fixing 85 the position of the dovetail projection, and at least two sight pins 20 fixed in the pin tracks wherein one of the pin heads is located above the other pin heads.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 3, 10, 11, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rager in view of Spencer.

The device as claimed is disclosed by Rager as stated in the rejection recited above for claims 1, 5, and 6 along with the light accumulating means being on the top portion of the main body, but lacks the light accumulating means including a light source that is battery operated.

Spencer teaches using an artificial light source powered by a battery to illuminate the sight pins. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the light gathering means in the main body of Rager with a light source powered by a battery to illuminate the sight pins as taught by Spencer to provide light to the sight pins in low light conditions.

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rager in view of Spencer as applied to claims 2, 3, 10, 11, and 15-19 above, and further in view of Lorocco ('778).

The device as claimed is disclosed by the combination of Rager and Spencer as stated in the rejection recited above for claims 2, 3, 10, 11, and 15-19, but lacks the sight pins being different colors to clearly distinguish the pins from one another.

Lorocco teaches at column 5 lines 57-60 using different colors for different sight pins to clearly distinguish between the pins. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use different color sight pins in the device of the combination of Rager and Spencer as taught by Lorocco to clearly distinguish between the sight pins.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rager in view of Trosper, Jr. et al.

The device as claimed is disclosed by Rager as stated in the rejection recited above for claims 1, 5, and 6, but lacks the specific materials claimed.

Trosper, Jr. et al teaches at column 4 lines 30-34 using various old and well known materials in bow sight to reduce weight and corrosion while retaining strength such as anodized aluminum. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any old and well known light weight, non-corrosive, strong material such as anodized aluminum and stainless steel in the device of Rager as taught by Trosper, Jr. et al to provide a light weight sight that is non-corrosive and strong.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rager in view of Spencer as applied to claims 2, 3, 10, 11, and 15-19 above, and further in view of Trosper, Jr. et al.

The device as claimed is disclosed by the combination of Rager and Spencer as stated in the rejection recited above for claims 2, 3, 10, 11, and 15-19, but lacks the specific materials claimed.

Trosper, Jr. et al teaches at column 4 lines 30-34 using various old and well known materials in bow sight to reduce weight and corrosion while retaining strength such as anodized aluminum. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any old and well known light weight, non-corrosive, strong material such as anodized aluminum and stainless steel in

the device of the combination of Rager and Spencer as taught by Trosper, Jr. et al to provide a light weight sight that is non-corrosive and strong.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher W. Fulton whose telephone number is (571) 272-2242. The examiner can normally be reached on M-Th 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher W. Fulton  
Primary Examiner  
Art Unit 2859

CWF